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I. STATEMENT OF POLICY

The Department of Children and Family Services (DCFS) reaffirms [the Equal Delivery of Services Policy Statement](#) and will administer all programs and conduct its business, either directly or indirectly or through contractual or other arrangements, in accordance with federal and state laws, regulations, executive orders and related other guidance, including but not limited to the following.

No persons shall on the basis of age, sex, religion, race, color, national origin, political affiliation, or disability (not all prohibited bases apply to all programs) be excluded from participation in; be denied the benefits of; or be subjected to discrimination and/or rude or hostile treatment under any program or activity conducted in this department. DCFS will take appropriate action to ensure that the above will be implemented at all levels of administration.

Furthermore, DCFS agencies, including contractors, licensees, or other entities providing DCFS agency services, shall not intimidate, threaten, coerce, discriminate, or take any retaliatory action against any person for the purpose of interfering with any right protected under civil rights laws, statutes, or policies or because he/she has:

- opposed any practice that is unlawful according to civil rights laws, contrary to DCFS civil rights policies or practices, or is believed to be in violation of civil rights laws, statutes, or policies; or
- made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under any civil rights law, statute, or policy.


Rude and/or Hostile Treatment

Although an alleged incident of rude treatment toward applicants/participants may in some instances be unsubstantiated as discriminatory, it will always have a disparaging effect on the person(s) who considers himself/herself the victim of such alleged treatment.

Therefore, DCFS will not condone rudeness, disrespect, or any other alleged ill-treatment of or toward program applicants/participants or the general public. Any substantiated claim of ill-treatment of these individuals will be considered as noncompliance with DCFS policies and procedures related to non-discrimination in service provision.


Language Assistance to Persons with Limited-English Proficiency (LEP)

DCFS will take reasonable steps to provide services and information in appropriate languages other than English in order to ensure that LEP persons are effectively informed and can meaningfully participate in and benefit from its programs and services.

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1. Each Bureau/Division/Section within DCFS shall be responsible for:
 - Developing written policies and procedures to identify the language needs of clients/recipients.
 - Accessing and providing language assistance services in a timely manner during hours of operation. Such services may be provided through one or more of the following:
 - Oral interpretation services
 - Bilingual staff
 - Telephone interpreter lines
 - Written language services
 - Community volunteers
 - Disseminating language assistance services policies and procedures to staff and ensure staff awareness of the policies and procedures and of their [Title VI](#) obligations to LEP persons.
 - Posting and maintaining signs in regularly encountered languages other than English in waiting rooms, reception areas and other points of entry. These signs must inform applicants/beneficiaries of their right to free language assistance service and invite those to identify themselves as persons needing such services.
 - Conducting regular monitoring of the language assistance program to ensure that LEP persons have meaningful access to the program/services.
2. The type of language assistance program developed by each Bureau/Division/Section to ensure meaningful access will depend on a variety of factors, including but not limited to:
 - the size of the Bureau/Division/Section ;
 - the size of the eligible LEP population it serves;
 - the nature of the program/service;
 - the objective of the program;
 - the total resources available to the Agency; and
 - the frequency with which particular languages are encountered.

The Bureau of Civil Rights will review each Bureau/Division/Section's language assistance program periodically.

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Disability Accommodation and Auxiliary Aids and Services

DCFS will take reasonable steps to ensure that all physical sites are accessible and barrier free and provide appropriate auxiliary aids and services to accommodate the needs of clients/recipients with disabilities in order to ensure that they can effectively participate in and benefit from its programs and services.


Auxiliary aids and services may include but are not limited to the following:

- Qualified interpreters or other effective methods of making aurally delivered material available to persons with hearing impairments.
- Qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments.
- Acquisition or modification of equipment or devices.

Assurance of Equal Access to Services

It is the policy of DCFS to resolve all complaints alleging discrimination and/or rude or hostile treatment based on age, race, color, sex, disability, religion, national origin or political affiliation in a prompt and efficient manner and in compliance with the federal requirements of the agencies providing services.

Any person who believes that he or she or any specific class of persons has been subjected to discrimination and/or rude or hostile treatment in any Bureau/Division/Section program, may personally or by a representative file a written complaint with the DCFS Bureau of General Counsel, Civil Rights Section and/or the federal agency as indicated on the ***Customer**** Complaint Form – [Adobe version/Word version](#). The identity of the complainants will be kept confidential except to the extent necessary for conducting the investigation. Any act or acts of intimidation or retaliation against any individual making a complaint shall be prohibited. It is suggested that the complainant or his or her representative use the form developed by the DCFS Bureau of General Counsel, Civil Rights Section that is attached to this policy.

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The policy shall apply to all DCFS offices providing financial or social services. The policy shall also apply to any Bureau/Division/Section providing these services whether directly or indirectly or through contractual or other arrangements in accordance with those provisions of federal and state laws that prohibit discrimination in the delivery of services. This complaint procedure carries out the regulations for [Title VI](#) of the Civil Rights Act of 1964, [Section 504](#) of the Rehabilitation Act of 1973 and Federal Block Grants ([P.L. 97-35](#) and [P.L. 104-193](#)) and USDA Food and Nutrition Services Civil Rights Instructions, 113 Series.

II. PROCEDURES


The DCFS Secretary has overall responsibility for the policy and program development under [Title VI](#) of the Civil Rights Act of 1964 or [Section 504](#) of the Rehabilitation Act of 1973. Responsibility for the coordination and implementation has been placed with the Director of the DCFS Bureau of General Counsel, Civil Rights Section.

All personnel in DCFS are charged with the responsibility for adhering to the provisions of this policy.

The Bureau/Division/Section appointing authority or designee has the responsibility to ensure that this policy is posted in conspicuous places and complaint forms are readily available for public use within each office facility.

Guidelines

1. All complaints will be acknowledged within five (5) working days of receipt of complaint.
2. After determining that the complaint falls within the jurisdiction of the DCFS Bureau of General Counsel, Civil Rights Section, the Director will notify the Office against which the complaint is filed and initiate a prompt response and thorough investigation of the complaint.
3. The complaint investigation will include but not be limited to the following steps. A minimum of steps a), c) and d) must be followed in all investigations:
 - a) Interviewing the complainant to get all details of the complaint;
 - b) Interviewing community leaders and others who would be in a position to provide further information;
 - c) Contacting the Bureau/Division/Section of the facility complained against to secure information about the complaint incident and the overall arrangement for providing services;

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- d) Obtaining copies of any appropriate documents, records or statistics that would support or rebut the complaint.
4. After completing the investigation, the investigator for the DCFS Bureau of General Counsel, Civil Rights Section will submit a written report of the findings of the complaint to the complainant and to the Agency against which the complaint is lodged.
5. If the determination is made that there is a valid complaint, necessary steps must be taken by the Division's Deputy Secretary or Agency Administrator to correct the discriminatory practice within a designated period of time and prevent any recurrence of such practices. The Corrective Action will be shared with the DCFS Bureau of General Counsel, Civil Rights Section for future Civil Rights review purposes.
6. Steps 3 and 4 of the above procedures will be completed within sixty (60) calendar days from receipt of a complaint or within such additional time as may be allowed by the DCFS Bureau of General Counsel, Civil Rights Section for good cause shown. In the written notice of the decision, the complainant shall be advised that if he/she is not satisfied with the decision, it may be appealed to DHHS, DOE, USDA or other appropriate federal regulatory agencies.
7. The DCFS Bureau of Civil Rights Section shall submit a report to USDA-FNS on each Food Stamp discrimination complaint. The report shall contain the findings of the investigation and, if appropriate, the corrective action planned or taken.


III. FORMS AND INSTRUCTIONS

- [Equal Delivery of Services Policy Statement](#)
- *Customer** Complaint Form ([Adobe version](#)/[Word version](#))
- Receipt of Non-Discrimination Policies and Statements Acknowledgement Form ([Adobe version](#)/[Word version](#))
- [Receipt of Non-Discrimination Policies and Statements Acknowledgement Form Instructions](#)

IV. REFERENCES

Definitions

Civil Rights Matters – Allegations presented by a complainant that a specific action was taken because of his/her race, color, national origin, age, sex, disability, religion, or political beliefs. Any decision or action involved in the complainant's allegations that cannot be explained by regulatory provisions or supported by program guidelines, which adversely affects the complainant's participation, will be treated as a civil rights issue. All allegations of rude or hostile treatment against program delivery personnel will be treated initially as civil rights issues; and issues that involve disparate treatment or

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adverse impact on participation based on one of the protected classes. The disparate treatment may have been directed at an individual, a group, or a class of persons. These matters must be handled through the civil rights complaint process.

LEP (Limited-English Proficiency) – The inability to read, speak, write, or understand the English language at a level that permits effective interaction with agency service providers.

Program Matters – Issues involving program/service participation decisions or actions based on program/service regulatory requirements and not based on race, color, national origin, age, sex, disability, religion or political beliefs. Examples of program matters include excessive income, work registration verification, decreases in allotment, and ineligibility. These issues may be resolved through the fair hearing process.

US Federal Laws, Regulations, and Rules

Title VI of the Civil Rights Act of 1964, as amended ([Title VI](#)): A federal law that prohibits discrimination against persons on the basis of race, color, and national origin on the part of any program or activity receiving federal financial assistance.

Section 504 of the Rehabilitation Act of 1973, as amended ([Section 504](#)): A federal law that prohibits discrimination against qualified individuals with disabilities on the basis of disability on the part of any program or activity receiving federal financial assistance.


Title 45 of the Code of Federal Regulations, Part 80, as amended ([Title 45](#)): A federal law that effectuates and extends the provisions of Title VI of the Civil Rights Act of 1964 to any program or activity receiving federal assistance from the U.S. Department of Health and Human Services.

Methods of Administration (MOA), State Plans of Operation and Federal/State

Agreements: Agreements with various federal funding agencies requiring civil rights compliance and/or outlining the methods to be used in complying with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and other applicable civil rights laws and regulations.

The Americans with Disabilities Act of 1990, as amended ([ADA](#)): A federal law that prohibits discrimination against qualified individuals with disabilities on the basis of disability.

Title IX of the Educational Amendments of 1972, as amended ([Title IX](#)): A federal law that prohibits discrimination against persons on the basis of sex on the part of any educational program or activity receiving federal financial assistance.

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The Age Discrimination Act of 1975, as amended: A federal law that prohibits discrimination on the basis of age (unless age is a bona fide program eligibility criterion) on the part of any program, service, or activity receiving federal financial assistance unless otherwise allowed under federal, state or local law.

The Civil Rights Restoration Act (CRRA) of 1987: A federal law amending Title VI, Title IX, Section 504 and the Age Discrimination Act of 1975 to establish that the provisions of these four statutes apply to all the operations of a department or agency when any part of the department or agency receives federal financial assistance.

U.S. Department of Agriculture (USDA) Regulations ([DR 4330-2](#)): Regulations that prohibit discrimination on the basis of race, color, national origin, religion, sex, age or disability on the part of any program, service or activity receiving Federal financial assistance from the USDA.

Food Stamp Act of 1977, as amended: A federal law that prohibits discrimination in the certification of applicant household for the Food Stamp Program because of an individual's race, sex, religion, national origin, and/or political belief.

USDA Food and Nutrition Services (FNS) Instructions, 113 Series: Federal procedures for civil rights compliance and enforcement of the Food Stamp, Special Nutrition programs, and Women, Infants, and Children (WIC) programs.


Executive Order 13166: A federal regulation that mandates a federal aid recipient's assurance that applicants and beneficiaries who are not proficient in English can meaningfully and effectively participate in and benefit from federally assisted programs and activities.

Multiethnic Placement Act of 1994, as amended by the Interethnic Adoption Provisions of 1996 ([MEPA-IEP](#)): A federal law that prohibits a state or other entity from delaying or denying the placement of a child for adoption or placement in foster care on the basis of the race, color, or national origin of the adoptive or foster parent, or the child involved.

Block Grants: Provisions of federal and state law that prohibit discrimination in the delivery of services funded through Block Grants ([P.L. 97-35](#) and [LA R.S. 49:673](#)).


Examples of Discrimination Under Title VI (Based on 7 CFR 15.3)

1. Denying an individual any service, financial aid, or other benefit provided under the program which has the effect of defeating or substantially impairing the accomplishment of the objectives of the [Title VI](#) program.

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The following practices are regarded as violations under this heading:

- Refusal to announce the program publicly so that all potentially eligible persons, groups or agencies are made aware of program benefits and services that are available.
- Refusal to offer pertinent information on a voluntary basis to eligible or potentially eligible persons, particularly the underprivileged and minorities, which informs of existing programs, eligibility benefits and services, including location of facilities or service delivery points, as well as hours of service, by mailing information to minority and prominent grass root organizations in the area affected.
- Refusal to provide information, and other materials such as the application, eligibility determination or provision of benefit process, in language minority concentration areas. (A language minority concentration area is an area where there is 5% or 1000, whichever is less, of the population of persons eligible to be served or likely to be affected by a DCFS program or service, who speak and/or understand the same language of the resident population.)
- Distribution of applications and awarding of financial aid or grants disproportionately to non-minority agencies at the expense of representative participation of the disadvantaged group.
- Setting up criteria that by its design excludes certain participants because of race, color, or national origin.
- Handling of applications for financial aid or grants in such a manner that gives priority to a certain class of applicant (non-minority) at the expense of others.
- Refusal to provide beneficiaries, potential beneficiaries, and applicants with Title VI information which would include procedures for filing a complaint, program information, and rights of beneficiaries and applicants as reflected in legislation, program directives, regulations, materials, pamphlets, etc.
- Refusal to collect and analyze racial/ethnic data so as to establish a basis for determining how programs are reaching eligible groups, and in particular to measure progress of program delivery to minority targets.
- Refusal to establish a complaint system that will process complaints of applicants in the prescribed manner that guarantees a fair and impartial airing of their grievances at the highest level of adjudication.

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2. Providing any service, financial aid, or other benefits to an individual that is different, or is provided in a different manner, from that provided to others under DCFS programs.


The following practices are regarded as violations under this heading:

- Coding and processing of minority applications on a routine basis while non-minority applicants are being given priority clearance.
- Exhibiting discourteous or hostile attitudes toward applicants/participants that causes embarrassment or tension while others are being shown every courtesy.
- Arrangement of appointment times in such a manner that the underprivileged or minority appointments are grouped closely together, which may indicate deliberate segregated accommodation patterns.
- Operating service delivery points in a minority group area that are poorly staffed and unrepresentative of the area being served, which could affect delivery of service and morale.
- Apportionment of financial aid or grants in a manner that awards substantial funding levels to some entities, which can be looked upon as “favoritism,” while others are denied equal consideration because of their minority or underprivileged status.
- Providing technical assistance and/or programmatic training to a certain class of recipient that is substantially different in content and application from that which is given to other recipients because of race, color, or national origin.

3. Subjecting an individual to segregation or separate treatment in any manner related to receipt of any service, financial aid, or other benefit under DCFS programs.

The following practices are regarded as violations under this heading:

- Use of dual standards in applying eligibility criteria to program applicants in the pre-award process which results in discriminatory practices based on race, color, or national origin.
- Permitting schools, institutional entities, or community groups with known or suspected histories of discriminatory practices to participate in federal programs without requiring compliance with [Title VI](#) regulations as a pre-condition for acceptance.

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- Requiring substantially more corroborating data from minority individuals, or groups or institutional entities to prove their eligibility for benefits, or to prove their performance capability.
 - Setting standards of program acceptability that will in essence discourage minority participation because of built-in restrictions that violate the right of access to federal benefits.
 - Setting up classes, workshops, feeding lines, waiting rooms or any public service unit that discriminates on the basis of race, color, or national origin.
4. Restricting an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving such services and other benefits under DCFS programs.

The following practices are regarded as violations under this heading:

- Institution of any admission or enrollment quota, eligibility standard, or other requirement or condition which individuals must meet in order to participate in a program where race, color, or national origin is a factor.
 - Use of membership in a group, as a basis for acceptance, or the selection of individuals for any purpose, if in selecting members of the group, there is discrimination on the ground of race, color, or national origin.
5. Treating an individual differently from others in determining whether the person satisfies any admission, enrollment quota, eligibility, membership or other requirement or condition which individuals must meet in order to receive the service or benefit provided under the DCFS programs.

The following practices are regarded as violations under this heading:

- Imposing a different set of rules based mainly on personal prejudices against African Americans, Hispanics, or other ethnic minorities, which are in essence exclusionary in nature. This type of discriminatory treatment may be based on social rejection, preconceived notions and prejudices about racial characteristics of a group or on cultural differences distinct from that of the dominant social class.
6. Denying any individual an opportunity to participate in the program through the provision of services or otherwise afford them an opportunity to do so which is different from that afforded others under the programs.
- The following practices are regarded as violations under this heading:

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- Refusal to provide program information on availability of services and benefits, thus keeping a segment of the eligible population in ignorance of essential and needed assistance.
- Refusal to follow program guidelines in dealing with minorities in certain procedures, which has the effect of adversely affecting their participation.
- Imposing through legalistic means extra restrictions via program procedures that have the subtle effect of penalizing or denying services to minorities.

7. Selecting members of planning and advisory bodies, in such a way as to exclude persons from membership on the basis of race, color, or national origin.


The following practices are regarded as violations under this heading:

- Announcing and soliciting for membership only from among certain non-minority groups.
- Appointing advisory bodies through a “membership only” selection process that has no history of minorities in the organization.
- Operating a system of hiring which severely restricts employment of minorities, therefore, a lack of staff to choose for these bodies.
- Setting up a selection process based on seniority that would have a tendency to restrict minority participation because of the low seniority status of most minorities in agencies that hire them.

8. Selecting sites or locating facilities for dispensing benefits or services which has the purpose or effect of denying the benefits of, or subjecting individuals to discrimination under any activities or programs to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of [Title VI](#) of the Civil Rights Act and DCFS regulations.

The following practices are regarded as violations under this heading:

- Primary or secondary recipient offices located in areas that are best described as out of bounds to minorities or very difficult to reach.
- Location of sites that create financial hardships to those in poor economic circumstances.

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Standards

Any person who believes that he or she, or any specific class of persons, has been subjected to discrimination/rude or hostile treatment covered by [Title VI](#) of the Civil Rights Act of 1964 or [Section 504](#) of the Rehabilitation Act of 1973, as amended, may without fear of reprisal or coercion, file a written complaint. (The ***Customer**** Complaint Form – [Adobe version/Word version](#)– is recommended for use.) Verbal or written complaints may be filed directly with the office/agency. The office/agency appointing authority or designee shall be responsible for maintaining a record of all complaints received. Such record shall document the nature of the complaint, the details, the investigation, and actions taken.

1. A complaint may be filed with the DCFS Bureau of General Counsel, Civil Rights Section and/or any of the following federal oversight agencies:

Department of Children and Family Services (DCFS)
DCFS Bureau of General Counsel, Civil Rights Section
PO Box 1887
Baton Rouge, LA 70821
225-342-0309
[*DCFS.BureauofCivilRights@LA.Gov](mailto:DCFS.BureauofCivilRights@LA.Gov)**

For programs such as FITAP, Child Care, Foster Care, etc.:


Department of Health and Human Services (DHHS)
Regional Office for Civil Rights
1301 Young Street – Suite 1169
Dallas, TX 75202

For the SNAP Program:

To file a complaint of discrimination, write
United States Department of Agriculture
Director, Office of Civil Rights
1400 Independence Avenue, S.W.
Washington, D.C. 20250-9410

800-795-3272 (voice)
(202)-720-6382 (TTY)
USDA is an equal opportunity provider and employer

2. The complaint must be filed no later than 180 calendar days from the date of the alleged discriminatory act or acts.

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3. The complaint must describe the type of discrimination/rude or hostile treatment alleged, indicate when and where such discrimination/rude or hostile treatment took place and describe all pertinent facts and circumstances surrounding the alleged discrimination.
4. After determining that the complaint falls within the jurisdiction of the DCFS Bureau of General Counsel, Civil Rights Section, the Director of the DCFS Bureau of General Counsel, Civil Rights Section will initiate a prompt and thorough investigation of the complaint.
5. The complainant must be given a status report within thirty (30) calendar days of the complaint.
6. The DCFS Bureau of General Counsel, Civil Rights Section will maintain records to show the nature of the complaint, the details of the investigation and actions taken.
7. Reports of complaints will be submitted to the DCFS Secretary periodically.
8. All complaint records will be available for review by DCFS, DHHS, USDA, DOE and other authorized officials.